

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHAUNCEY GIRARD,

Plaintiff,

-against-

MICHAEL BLOT (SGT.), KAIE LAMANNA
(SUPT.), CHAUNTEL ELMORE (SGT.), FRANK
POLITO (CO), ELVIS RIOS (CO), EDWIN UZU
(DR.), TINA TOMAS (JANE DOE), AND ERIC
GUTTWEIN (COMM.),

Defendants.

**STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL
PURSUANT TO FRCP 41(a)(1)(A)**

Case No. 20-cv-5883

WHEREAS, Plaintiff Chauncey Girard commenced this action by filing a complaint on against Defendants alleging violations of his constitutional rights;

WHEREAS, Plaintiff filed an amended complaint on May 17, 2021, and a second amended complaint on March 22, 2023, which remains the operative complaint alleging claims against Defendants Blot, Elmore, Polito, Rios, and Gutwein;

WHEREAS, Plaintiff seeks the voluntary dismissal of his federal due process claim(s);

WHEREAS, the parties desire to resolved certain issues raised in this litigation, without further proceedings and without admitting any fault or liability, and without costs to any party;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:


I. Plaintiff Chauncey Girard voluntarily dismisses with prejudice, and without costs or attorney's fees to any party, all federal claims alleged in the Second Amended Complaint against Defendant Eric Gutwein;

2. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all federal claims arising out of the facts and circumstances that are the subject of this action, or that were or could have been asserted by Plaintiff against Defendant Eric Gutwein arising from the facts and circumstances of this litigation, are hereby dismissed and discontinued with prejudice, and without costs or attorney's fees to any party.


3. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all federal Due Process claim(s) that were asserted or could have been asserted by Plaintiff in the Second Amended Complaint, are hereby dismissed and discontinued with prejudice, and without costs or attorney's fees to any party.

Dated: New York, New York
October 2, 2023

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SO ORDERED.


CATHY SEIBEL, U.S.D.J.

10/3/23

The Clerk shall terminate Mr. Gutwein as a Defendant.